

Cumulative Table of Cases
Connecticut Appellate Reports
Volume 187

(Replaces Prior Cumulative Table)

Anderson v. Dike	405
<i>Personal injury; whether trial court improperly granted motion for summary judgment; whether plaintiff failed to meet burden of demonstrating existence of genuine issue of material fact; failure of plaintiff to offer any evidence in opposition to motion for summary judgment that could properly be considered at summary judgment; claim that trial court improperly denied motions for jury trial and appointment of counsel; whether court-appointed counsel is available in civil proceedings.</i>	
Boucher v. Saint Francis GI Endoscopy, LLC	422
<i>Employment discrimination; whether trial court improperly granted motion for summary judgment; whether trial court properly determined that there were no genuine issues of material fact as to whether plaintiff presented prima facie case of employment discrimination or retaliation; claim that trial court improperly concluded that plaintiff failed to demonstrate adverse employment action by defendant; whether plaintiff established genuine issue of material fact as to whether defendant intentionally created intolerable work atmosphere that forced her to quit involuntarily to support claim of constructive discharge.</i>	
Buie v. Commissioner of Correction	414
<i>Habeas corpus; claim that habeas court improperly determined that petitioner received effective assistance from prior habeas counsel and criminal trial counsel; whether petitioner established that he was prejudiced as result of allegedly deficient performance by criminal trial counsel or prior habeas counsel.</i>	
Designs for Health, Inc. v. Miller	1
<i>Contracts; whether trial court improperly granted motion to dismiss; whether trial court improperly concluded that it lacked personal jurisdiction over defendant; whether plaintiff met its burden to make prima facie showing that trial court had personal jurisdiction over defendant; whether plaintiff submitted evidence, which if credited by trier of fact, was sufficient to establish that defendant had signed electronically subject agreement containing forum selection clause.</i>	
Dubinsky v. Reich	255
<i>Legal malpractice; motion to dismiss; subject matter jurisdiction; absolute immunity; claim that trial court improperly concluded that defendants were entitled to absolute immunity; whether complaint was grounded on any conduct by defendant attorney in which she acted outside role of statutory (§ 46b-54) court-appointed guardian ad litem for plaintiff's minor child; claim that granting absolute immunity to guardians ad litem is contrary to public policy.</i>	
Fitzgerald v. Bridgeport	301
<i>Injunction; action seeking injunctive relief to prevent defendants from making appointments to position of police captain based on results of police captain examination; whether trial court properly granted motion to dismiss counterclaim for lack of subject matter jurisdiction on basis that defendant failed to exhaust administrative remedies; claim that there was no reason to appeal to defendant Civil Service Commission because defendant was not aggrieved by determination that he was eligible to take captain's examination; claim that defendant lacked necessary qualifications to sit for captain examination; claim that because city council had not approved increase in number of lieutenant positions from twenty-one to twenty-two, defendant's seniority was calculated on improper basis; whether trial court properly concluded that defendant did not meet eligibility requirements for captain examination and should not have been permitted to take examination; whether claim of error in selection by commission of date on which vacancy in rank of captain occurred was subject to exhaustion requirement; whether policies underlying exhaustion doctrine would be best served by requiring defendant to bring challenge to date of vacancy before commission; whether defendant as municipal employee candidate for promotion to captain possessed specific, personal and legal interest in date establishing</i>	

<i>candidates' eligibility for captain examination; aggrievement; claim that trial court improperly concluded that twenty-second lieutenant position was not legally established under city charter; whether commission lacked authority to increase number of lieutenants; whether plain language of charter required that city council establish new lieutenant position; claim that even if trial court properly determined that twenty-second lieutenant position was not legally established under charter, trial court's conclusion that defendant was ineligible to sit for captain examination constituted improper sanction of illegal appointment.</i>	
Ham v. Commissioner of Correction	160
<i>Habeas corpus; whether habeas corpus abused its discretion in denying petition for certification to appeal; claim that prosecutor failed to disclose material exculpatory evidence concerning police witness; claim that prior habeas counsel rendered ineffective assistance that was prejudicial to petitioner by failing to pursue claims that petitioner's criminal trial counsel rendered ineffective assistance that was prejudicial to petitioner.</i>	
Hodges v. Commissioner of Correction.	394
<i>Habeas corpus; claim that habeas court improperly determined that petitioner's trial counsel did not render ineffective assistance; whether trial counsel was ineffective by pursuing defense theory of mere presence; whether trial counsel rendered ineffective assistance by failing to consult with and retain expert witness in video forensics; claim that habeas court abused its discretion by precluding testimony of petitioner's firearm identification expert as to whether surveillance video depicted presence of firearm.</i>	
Hoffkins v. Hart-D'Amato.	227
<i>Unpaid legal fees; whether trial court abused its discretion when it denied motion for disqualification of trial judge; whether defendant met burden of showing reasonable appearance of impropriety; whether there were any instances of impropriety or bias in record; whether trial court abused its discretion in refusing to admit unredacted transcript as full exhibit.</i>	
Hospital Media Network, LLC v. Henderson.	40
<i>Breach of fiduciary duty; default judgment; claim that defendant had fiduciary relationship with plaintiff and breached his fiduciary duty by working for unrelated company without the plaintiff's permission or knowledge; claim that trial court erred in determining monetary awards; whether trial court abused its discretion in ordering wholesale forfeiture of defendant's salary and bonus and requiring defendant to disgorge in full all profits received from third parties; whether award of monetary relief was disproportionate to misconduct at issue and failed to take into account equities in case.</i>	
Jacobson v. Commissioner of Correction (Memorandum Decision)	901
Kirwan v. Kirwan	375
<i>Dissolution of marriage; motion for contempt; whether trial court abused its discretion in granting motion for order regarding children's private middle school tuition; claim that trial court erred by ordering defendant to pay 75 percent of children's tuition for certain academic years; claim that trial court erred by ordering defendant to pay portion of children's tuition that was incurred prior to date of dissolution judgment; whether trial court properly exercised its authority pursuant to applicable statute (§ 46b-81) to allocate between parties marital debt related to children's tuition; whether trial court abused its discretion in finding defendant in contempt for his failure to comply with its order regarding children's private middle school tuition; whether underlying order was sufficiently clear and unambiguous to support contempt finding; whether defendant's noncompliance with order was wilful; whether finding that defendant did not meet his burden of proving that he was unable to pay his court-ordered obligation was clearly erroneous.</i>	
Norris v. Trumbull.	201
<i>Negligence; whether trial court properly denied motion to dismiss on ground of sovereign immunity; claim that trial court improperly determined that role of defendant regional educational service center in supervising students committed to its care and custody was municipal function not shielded by doctrine of sovereign immunity; claim that defendant acted as agent of state when overseeing care and safety of children enrolled in its schools and programs; whether criteria for determining when entity properly can assert sovereign immunity defense weighed against concluding that defendant acted as arm of state with respect to any duty it may have had to supervise minor plaintiff; whether enabling legislation demonstrated that defendant was not created by statute (§ 10-66a et seq.);</i>	

whether statutory language supported conclusion that legislature intended for entities like defendant to be treated like state agent for all purposes; whether defendant was financially dependent on state; whether record indicated that state had any direct oversight or control over defendant, its property or its operations other than to conduct annual audit of finances and evaluation of programs and services; whether judgment against defendant would have direct adverse effect on state.

- State v. Bethea 263
Falsely reporting incident in second degree; whether evidence was sufficient to sustain defendant's conviction of falsely reporting incident in second degree; reviewability of claim that verdict returned by jury was legally inconsistent; claim that search warrant for cell phone records and arrest warrant were obtained without probable; reviewability of unpreserved claims that trial court improperly permitted witness to make in-court identification in absence of prior nonsuggestive out-of-court identification, and that trial court erred by admitting testimony of eyewitness and defendant's out-of-court statements; whether unpreserved claims were evidentiary in nature; claim that prosecutor improperly withheld testimony of eyewitness to evading incident in violation of Brady v. Maryland (373 U.S. 83); whether evidence was suppressed within meaning of Brady.
- State v. Hanisko 237
Possession of child pornography in second degree; claim that trial court improperly denied motion to suppress evidence seized from property where defendant resided because information in search and seizure warrant affidavit was stale at time that search warrant was issued; whether trial court correctly determined that probable cause existed to support issuance of search and seizure warrant; whether trial court properly denied motion to suppress evidence seized pursuant to search and seizure warrant; reviewability of claim that defendant was entitled to judgment of acquittal on ground that trial court's failure to recognize that oppressive delay between execution of search and seizure warrant in 2009 and issuance of arrest warrant in 2014 resulted in violation of his right to due process; failure of defendant to file pretrial motion to dismiss.
- State v. Joseph B. 106
Sexual assault in first degree; sexual assault in third degree; risk of injury to child; whether trial court abused its discretion in denying motion for bill of particulars; whether defendant was prejudiced by trial court's denial of motion for bill of particulars; claim that trial court improperly admitted evidence that victim tested positive for sexually transmitted disease; whether evidence pertaining to victim's diagnosis was unduly prejudicial; claim that trial court abused its discretion in denying motion to preclude evidence of text messages from defendant to victim's mother; claim that evidence of text messages should have been precluded as untimely because state knew or should have known of text messages prior to disclosure at start of trial; claim that evidence of text messages should have been precluded as sanction under applicable rule of practice (§ 40-5).
- State v. Santiago 350
Murder; whether trial court abused its discretion in admitting certain written statement to police by witness as prior consistent statement; whether introduction of witness' prior consistent written statement was solely to rehabilitate credibility of witness; whether trial court abused its discretion in admitting, as relevant evidence, testimony of witness concerning uncharged misconduct by defendant; whether probative value of uncharged misconduct testimony was outweighed by unfair prejudice; claim that defendant was deprived of due process right to fair trial as result of prosecutorial improprieties; whether prosecutor's questions were intended to elicit inadmissible responses from witness; whether prosecutor relied exclusively on evidence admitted during trial during rebuttal closing argument; reviewability of unpreserved evidentiary claim that prosecutor improperly failed to redact certain portions of witness' statement to police; claim that Appellate Court should exercise its supervisory authority to order new trial.
- State v. Stephenson 20
Burglary in third degree; attempt to commit tampering with physical evidence; attempt to commit arson in second degree; claim that evidence presented at trial was insufficient to support defendant's conviction of charged offenses; whether there was evidence presented at trial that defendant touched case files in courthouse with intent to tamper with physical evidence.

State v. Williams	333
<i>Attempt to commit home invasion; manslaughter in first degree; whether evidence was sufficient to support conviction of attempt to commit home invasion; whether evidence was sufficient to show defendant had specific intent to commit felony assault against individual inside dwelling if defendant and his cohorts were successful in entering dwelling; whether evidence was sufficient to show that defendant took substantial step toward unlawfully entering dwelling; whether proof that defendant or one of his cohorts intended to commit felony against individual in dwelling was legally sufficient where state charged defendant as principal and not as accessory.</i>	
Truskauskas v. Zoning Board of Appeals.	150
<i>Zoning appeal; whether trial court properly found plaintiff in contempt for willful violation of stipulated judgments that prohibited him from conducting commercial activities at his residential property and using dump truck there as part of contracting business or for other commercial purposes; claim that trial court erroneously interpreted stipulation to encompass total prohibition against use of dump truck for any commercial purposes, including those that occurred off of plaintiff's property.</i>	
Villages, LLC v. Longhi	132
<i>Fraud; intentional tortious interference with business expectancy; whether trial court properly denied motion for summary judgment as to liability; whether trial court properly granted motion for summary judgment; claim that trial court improperly determined defendant was not collaterally estopped from disputing liability because she was not party to prior action or in privity with planning and zoning commission; whether defendant and planning and zoning commission had identity of interest so as to share same legal right; whether trial court properly determined that plaintiff failed to present evidence that would sufficiently support essential elements of claim for fraudulent misrepresentation; whether trial court properly determined that no business relationship existed between plaintiff and planning and zoning commission.</i>	
Watson Real Estate, LLC v. Woodland Ridge, LLC	282
<i>Contracts; claim that trial court improperly failed to find that there was meeting of minds between parties as to number of layers of pavement to be applied to common driveway; claim that trial court should have drawn adverse inference against defendant for failing to call certain witness to rebut certain parol evidence presented by plaintiff; whether drawing of adverse inference is permissive rather than mandatory; whether trial court's failure to draw adverse inference was improper; reviewability of claim that trial court improperly failed to find that defendant breached escrow agreement by not reimbursing plaintiff for costs it had incurred; failure to allege claim in revised complaint or at trial; claim that trial court improperly denied request for leave to amend revised complaint to add claim of unjust enrichment.</i>	
Wood v. Rutherford	61
<i>Battery; negligent infliction of emotional distress; informed consent; claim that although defendant physician obtained informed consent of plaintiff to perform laser ablation of her vulva and, as part of that course of treatment, to perform postoperative examination, substantial change in circumstances occurred when defendant discovered complication during postoperative examination that required medical intervention, which in turn obligated him to obtain her informed consent before proceeding further; whether trial court improperly granted motion to dismiss battery and negligent infliction of emotional distress counts due to plaintiff's noncompliance with statute (§ 52-190a); whether plaintiff's battery and negligent infliction of emotional distress counts were claims of medical negligence subject to requirements of § 52-190a; whether trial court improperly rendered summary judgment in favor of defendant physician on plaintiff's revised complaint; whether genuine issues of material fact existed regarding defendant's discovery of medical complication during postoperative examination; whether defendant physician's failure to obtain informed consent may be excused because exception applied, such as when patient has authorized physician to remedy complications that arise during course of medical treatment.</i>	